

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MYRONISHA DAILEY,
Plaintiff,

v.

JUST ENERGY MARKETING CORP., et
al.,
Defendants.

Case No. 14-cv-02012-HSG

ORDER RE DISCOVERY DISPUTE

Re: Dkt. No. 35

On August 25, 2014, Plaintiff Myronisha Dailey served her responses to Defendant Just Energy Marketing Corp.'s ("Just Energy") first set of requests for production of documents. On the basis of privilege, Dailey refused to produce documents responsive to Just Energy's request for "federal and state income tax returns and W-2 forms for the years 2011 through present, along with all schedules and attachments thereto." Request for Production No. 44.

Six months later, on March 2, 2015, the parties filed a joint letter brief describing their discovery dispute over Dailey's refusal to produce her income tax returns. Just Energy argues that Dailey waived the privilege she asserts here because her tax returns "contain evidence that may contradict the allegations in plaintiff's complaint." Joint Ltr. Brief 1.


The Court finds that none of the three exceptions to the California tax return privilege overrides Dailey's assertion of privilege over the specific contents of her income tax returns. However, the general question of whether Dailey filed a Schedule C or otherwise represented to the federal government that she considered herself to be self-employed may be relevant to the classification issue here, and such general information is not privileged. *See Bowerman v. Field Asset Servs., Inc.*, 2013 WL 6057043, at *2-3 (N.D. Cal. Nov. 14, 2013).

To avoid the need to reopen discovery, the Court directs the parties to meet and confer

1 regarding an agreement to stipulate to those general facts that are relevant to Just Energy's
2 classification argument, without revealing the privileged specific contents of Dailey's income tax
3 returns. The parties are strongly encouraged to resolve this issue without further involvement of
4 the Court. However, if the parties are unable to reach an agreement by Friday, March 27, 2015,
5 they shall file a notice to that effect and the Court will set a case management conference.

6 **IT IS SO ORDERED.**

7 Dated: March 20, 2015

8 
9 HAYWOOD S. GILLIAM, JR.
United States District Judge

United States District Court
Northern District of California